

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 05-00344-01-CR-W-ODS
)	
GARY EYE,)	
)	
<u>Defendant.</u>)	

MOTION FOR DETENTION

Comes now the United States of America, by and through its undersigned counsel, and hereby moves this Court to order the detention of Gary Eye, and states the following in support of the motion:

1. This motion is being made at the defendant's first appearance before a judicial officer. An indictment has been returned by a federal grand jury charging the defendant with multiple offenses in connection with the homicide of William McCay on March 9, 2005. In particular, the indictment includes two counts for violating the federal civil rights statutes, Title 18 U.S.C. § 245(b)(2)(B); one count of killing a federal witness, Title 18 U.S.C. § 1512(a)(1)(c); three counts of using a firearm during a crime of violence, Title 18 U.S.C. § 924(c); obstruction of justice, Title 18 U.S.C. § 1519; and using fire to commit a felony, Title 18 U.S.C. § 844(h).

2. Based upon the fact that several of these offenses qualify as crimes of violence pursuant to Title 18 U.S.C. §§ 3142(f)(1)(A) and 3156(a)(4)(A) and have a maximum punishment of life imprisonment or death, the United States is requesting this Court to hold a detention hearing and following such hearing to order the defendant's detention pending resolution of these matters.

3. Furthermore, the United States submits that there is clear and convincing evidence that there are no conditions which the Court could place on the defendant's release which would reasonably assure the defendant's appearance in Court and the safety of the community. See 18 U.S.C. § 3142(g): (1) nature and circumstances of the offense; (2) weight of the evidence; (3)(B) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community. Because of this, the United States requests that a detention hearing be held and that the defendant be detained. See generally, United States v. Sazenski, 806 F.2d 846, 848 (8th Cir. 1986); United States v. Warren, 787 F.2d 1237, 1338 (8th Cir. 1986).

Wherefore, based on the foregoing, the United States requests that the Court hold a detention hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of the defendant.

Respectfully submitted,

Todd P. Graves
United States Attorney

By */s/ David M. Ketchmark*

David M. Ketchmark #46929
Assistant United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that a copy of the foregoing document will be hand-delivered by David M. Ketchmark, Assistant United States Attorney, to the defendant at the detention hearing.

/s/ David M. Ketchmark
David M. Ketchmark #46929
Assistant United States Attorney